

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TOLEDO MACK SALES & :
SERVICE, INC., :
Plaintiff, : Civil Action No. 2:02-CV-04373-RLB
v. :
: JURY TRIAL DEMANDED
MACK TRUCKS, INC., :
Defendant. :

MACK TRUCKS, INC.,	:	
	:	
Counterclaim	:	
Plaintiff,	:	
	:	
v.	:	
	:	
TOLEDO MACK SALES & SERVICE,	:	JURY TRIAL DEMANDED
INC. and	:	
	:	
PAI INDUSTRIES, INC.,	:	
	:	
Counterclaim	:	
Defendants.	:	
	:	

ORDER

AND NOW, this _____ day of _____, 2002, upon
consideration of the Motion of Plaintiff Toledo Mack Sales & Service, Inc. to Dismiss Defendant
Mack Trucks, Inc.'s Counterclaims Against Plaintiff Toledo Mack Sales & Service, Inc.,
Pursuant To Fed. R. Civ. P. 12(b)(6), and any response thereto, it is hereby ORDERED that said
Motion to Dismiss is GRANTED and that Counts I, II, III, and VI of Defendants
COUNTERCLAIM are DISMISSED with prejudice as to Plaintiff Toledo Mack Sales &

Service, Inc. and judgment is hereby ENTERED in favor of Toledo Mack Sales & Service, Inc. and against Mack Trucks, Inc..

BY THE COURT:

Buckwalter, J.